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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/485,438	06/07/95	EISENBERG	5 65850-1103.2

HM11/0618

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EXAMINER  
MOORE, W

ART UNIT

PAPER NUMBER

1652

DATE MAILED:

06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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21

DATE MAILED:

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**Commissioner of Patents and Trademarks**

All claims are allowable. However, due to a potential interference, ex parte prosecution is **SUSPENDED FOR A PERIOD OF 6 MONTHS** from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

The amendments to claims 12 and 13 in Applicant's Amendment C, Paper No. 18 filed 5 May 1998 overcome the rejection of record under of 35 U.S.C. §112, second paragraph, and are free of the prior art of record, thus are allowable. Applicant's Petition under 37 CFR 1.48 to correct inventorship, Paper No. 19 filed 22 June 1998 is supported by Statements of David J. Dripps and Sharon M. Wahl, as well as by the consent of officers of the assignees to the correction of inventorship, by Supplemental Declarations of Inventorship executed by each of the three co-inventors herein, and by an amendment that deletes David J. Dripps as a co-inventor, Paper No. 20 filed 22 July 1998. The Petition has been granted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is 703.308.0583. The examiner can normally be reached from 8:00AM-6:30PM EST on Mondays, Wednesdays, and Fridays and from 11:30AM-6:00PM EST on Tuesdays and Thursdays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached at 703.308.3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703.308.4242 for regular communications and 703.308.0294 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0196.

William W. Moore  
April 23, 2001

# Office Action Summary

Application No.

08/485,438

Applicant(s)

Eisenberg et al.

Examiner

William W. Moore

Group Art Unit

1652



☒ Responsive to communication(s) filed on June 5 and July 10, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 12 and 13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 12 and 13 is/are allowed <sup>afk</sup> ~~cc~~.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

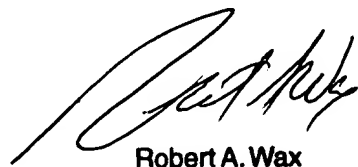
The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1652. Claims 12 and 13 are pending remain herein upon entry of Applicants' submission under 37 CFR 1.129(a), Paper No. 18, Amendment C filed May 5, 1998, and as amended therein overcome the rejection of record under 35 U.S.C. § 112, second paragraph. Both claims are free of the prior art of record, thus are allowable. Applicants' Petition under 37 CFR 1.48 to correct Inventorship, Paper No. 19 filed July 22, 1998, is supported by Statements of David J. Dripps and Sharon M. Wahl, consents of officers of the assignees to the correction of inventorship, Supplemental Declarations of Inventorship executed by each of the three co-inventors herein and by an amendment to delete David J. Dripps as a co-inventor, Paper No. 20 filed July 22, 1998. Applicants' petition to correct inventorship is granted.

The application has been forwarded to the Board of Patent Appeals and Interferences and, if an interference is declared, Applicants' will be notified under 37 CFR 1.611(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is (703) 308-0583. The examiner can be reached Monday through Friday from 9:00 AM to 5:30PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached at (703) 308-4216. Papers related to this application may be submitted to Group 1800 by facsimile transmission. The faxing of such papers must conform with the notice published November 15, 1989 in the Official Gazette, 1096 OG 30. Informal and unofficial communications may be sent to the Art Unit 1652 FAX number, (703) 308-0294. Official filings should be sent by facsimile transmission to the Group 1600 number which is (703) 308-4242.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. § 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

William W. Moore  
August 7, 1998

  
Robert A. Wax  
Supervisory Patent Examiner  
Technology Center 1600